

MEMORANDUM FOR ARMY CIVILIAN EMPLOYEES IN KOREA

SUBJECT: Telework Enhancement Act of 2010, Telework Eligibility Information

1. The Telework Enhancement Act of 2010 was signed into law on December 9, 2010. The Act explains the roles, responsibilities and expectations regarding telework policies, employee eligibility and participation, program implementation, and reporting.

2. There are two categories of employees who cannot be deemed eligible to telework under any circumstances: 1) an employee who has been officially disciplined for being absent without permission for more than 5 days in any calendar year and 2) an employee who has been officially disciplined for reviewing, downloading, or exchanging pornography, including child pornography, on a federal Government computer or while performing official Federal Government duties [violations of Public Law 111-292, 6502(a)(2)(A)(B)].

3. It is Department of Defense policy that telework is actively promoted and implemented in support of workforce efficiency, emergency preparedness, and quality of life. Department of the Army remains committed to authorizing participation in telework for the maximum number of positions to the extent that mission readiness is not jeopardized. The following provides further information on telework participation:

- DoD employees must meet the criteria required by DoD policy and applicable collective bargaining agreements in order to participate in telework. Please be aware that participation is not an employee right and is subject to supervisory approval. There are factors that may limit or even exclude the opportunity for participation in telework, including but not limited to: duties that require daily and direct handling of classified materials, daily on-site activity, or face-to-face contacts that cannot be accomplished at an alternate work site (e.g., hands-on contact with machinery, equipment, vehicles; direct patient care).
- The decision on whether each employee may telework is being made at the local level and **your supervisory chain will talk with you about your eligibility and opportunity to participate in telework.** Eligible employees who wish to telework must submit requests to telework to their supervisors. Employees who are approved to participate in the telework program and their supervisors must complete telework training prior to implementation. OPM provides web-based telework training available at the following link: http://www.telework.gov/Tools_and_Resources/Training/index.aspx.

01 June 2011

DHRM/8th Army

- After the employee and supervisor have completed training, they must enter into a telework agreement before the employee begins to telework. The agreement form can be found at the following link:

<http://www.dtic.mil/whs/directives/infomgt/forms/eforms/dd2946.pdf>.

4. Supervisors and employees should contact Dennis McPeters at the Directorate of Human Resources Management (DHRM) at 724-3293 if they have questions regarding this information.

01 June 2011

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BLUF: All employees must be notified of telework eligibility status by 7 Jun 2011. Attached is a "blast" email message that should be disseminated to all employees by 7 Jun 2011 to satisfy the legal requirement to provide such notice.

A new law, The Telework Enhancement Act of 2010, is designed to maximize telework (working from an alternate location such as your home). The law requires that all US civilians be notified of their eligibility status for telework, and the Office of Personnel Management requires that the notification take place by 7 Jun 2011. The notice may be accomplished through what DoD refers to as a "blast" (group) email.

There are permanent exclusions. The law presumes that everyone is eligible for telework, except employees who have been officially disciplined for:

- more than 5 days of AWOL in any calendar year;
- viewing, downloading, or exchanging pornography (including child pornography) on a government computer or while performing government duties (violations of 5 USC 2635.704)

Employees who warrant more close supervisory direction than telework affords may be deemed ineligible temporarily because they:

- received performance ratings below fully successful within the past 12 months
- received disciplinary action within the past 12 months
- have unresolved security issues
- are recently assigned or newly appointed to trainee or entry level positions

The following distinction is important: Being classified as eligible and being approved to participate is not the same thing. Being classified as eligible is not a guarantee or entitlement to telework. There are managerial, logistical, organizational or other barriers that may limit to a degree or even exclude the opportunity for participation in telework such as: duties that require daily and direct handling of classified materials, daily on-site activity or face-to-face contacts or that cannot be accomplished at an alternate work site (e.g., hands-on contact with machinery, equipment, vehicles; direct patient care). Put simply, "eligible" or "ineligible" designates whether the employee meets the criteria for telework and "participation determination" designates whether the Command's requirements and the employee's job meet the criteria for telework. Participation determination is made based on local conditions at the local level.

Eligible employees who wish to telework must 1) submit a request to the supervisor, 2) obtain approval from the supervisor; 3) receive telework training (supervisor must complete the training also), and 4) enter into a telework agreement with management. Satisfying those criteria still does not necessarily entitle the employee to any certain telework pattern or number of hours. Telework may be regular and recurring, or only *ad hoc*, that is, limited to a specific project or task.



DEPARTMENT OF THE ARMY
HEADQUARTERS, 8TH ARMY
UNIT #15236
APO AP 96205-5236

REPLY TO
ATTENTION OF:

EACS

22 JUN 2011

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Telework

1. References:

a. Telework Enhancement Act of 2010 (5 USC Chapter 65), online at:
http://www.law.cornell.edu/uscode/html/uscode05/usc_sup_01_5_10_III_20_E_30_65.html

b. Telework 101 Training, online at:
http://www.telework.gov/tools_and_resources/training/index.aspx.

c. DD Form 2946 (DoD Telework Agreement), online at:
http://www.cpms.osd.mil/telework/telework_index.aspx.

2. The Telework Enhancement Act is currently in effect. Approval to telework initially depends on whether an employee meets the personal eligibility criteria listed in the recently distributed notice and submits a request to telework. However, these are not the only considerations.

3. If an employee is eligible, the command must then determine, based on a variety of factors, whether telework can be approved and, if so, to what extent. If approval for any degree of telework is granted, both the employee and supervisor must complete online training, and an agreement must be signed by the employee and management.

4. Telework is not an entitlement. Some employees may not be eligible because they are probationary or were recently assigned to a position, did not receive the requisite performance rating, received disciplinary action, or have unresolved security issues.

5. Telework may also not be practical or possible even though an employee may meet the general personal eligibility criteria. Handling classified material, working with equipment or machinery, need for face-to-face contacts, computer security, and other factors must be examined by commands to determine whether or not telework can be approved.

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6. A telework checklist is attached to this memorandum to provide guidance to supervisors/ managers/commands in determining whether telework can be granted. Use the checklist to ensure a comprehensive look at your mission, the employee's status, the nature of the duties and position, security issues, and the command's overall situation. As comprehensive as the checklist is, there may be other factors unique to the command that are important to consider even though they are not listed. After using the checklist to analyze an employee's request, retain it for future reference and for Army and DoD data calls.

7. It is important to note that even if telework in some instances can be approved, it may be only for "situational/ad hoc" work, that is, intermittent and/or limited short term assignments.

8. Policy proponent is the Directorate of Human Resources Management.

FOR THE COMMANDER:

Encl
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DONALD E. JACKSON, JR.
COL, GS
Chief of Staff

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Telework Checklist/Guidelines

Employee Name _____

Position Title _____ Series _____ Grade _____

PD #: _____ Position Office Symbol _____ Date _____

Supervisor _____

1. Is this employee serving in a probationary period? ☐ YES ☐ NO

2. Does this employee occupy a trainee or intern position? ☐ YES ☐ NO

Generally an employee who is serving a probationary period or occupying a trainee or intern position is not eligible to participate in telework. The length of time these employees are ineligible for telework is at the command's discretion.

Regular/recurring telework – arrangement in which some or all duties may be performed at an alternative worksite, on a regular and recurring basis. Regular/recurring telework can be either **full-time** (where an employee performs all duties at an alternative worksite and there is no expectation of reporting to the traditional worksite) or **limited** (where an employee performs duties at an alternative worksite on a set schedule (e.g., every Monday; once a pay period; once a month)

Situational/Ad hoc telework – arrangement in which duties may be performed at an alternative worksite on a case-by-case basis (e.g., COOP, inclement weather, special project), where the hours worked are not part of a previously approved, ongoing and regular telework schedule.

POSITION ELIGIBILITY CRITERIA

Position eligibility evaluation should be based on the **position duties** rather than the job title, series, grade, type of appointment, work schedule or incumbent. (Factors to consider for employee eligibility are addressed later in the form.)

Base the determination on the **current duties of the position**. This determination may change if the duties change (e.g., mission, special projects, details).

If a position is not 100% telework eligible, consider if a portion of the position's tasks can be performed via telework on a limited basis. Workload management and adjustment may play a part in your assessment. In some cases, it may be possible to restructure position duties to allow for telework on a situational basis.

QUESTIONS	YES	NO
1. Does the position require incumbent to report daily (i.e., every day) to the traditional worksite?		
2. Does the position require continuous on-the-job training or close supervision?		
3. Does the position require daily use of special facilities or equipment that the organization cannot provide to the employee or is not available at the alternative worksite?		
4. Does the position involve tasks that require daily face-to-face contact that cannot be achieved through alternate communication tools (e.g., email, telephone, online meetings, electronic file transfer) with: <ul style="list-style-type: none"> a. Supervisor(s)/manager(s)? b. Colleagues/team members/co-workers? c. Customers? d. General Public? 		
5. Does the position involve tasks that require daily access to classified materials and networks (SIPRnet)?		
6. Does the position involve tasks that require daily access to materials or equipment that cannot be moved from the traditional worksite or accessed outside of the traditional worksite such as unique reference materials or special tools?		
7. Does the position involve tasks that require daily access to systems, networks, applications that cannot be accessed at the alternative worksite? (e.g., local access only, SIPRnet, etc.)?		
8. Would the performance of position duties at an alternative worksite result in a measurable decrease in the level of service provided to customers? (e.g., delays in processing work, inhibiting customer access to the employee)		

- If the answer is **YES** to any of the above questions the position is typically **not eligible** for telework.
- If the answer is **NO** to all of the above questions (#1-8) the position may be eligible for regular/recurring or situational/ad hoc telework once employee eligibility is determined. Continue with Questions 9-11.

QUESTIONS	YES	NO
9. Does the position involve tasks that require face-to-face contact that cannot be achieved through alternate communication tools (e.g., email, telephone, online meetings, electronic file transfer) with: <ul style="list-style-type: none"> a. Supervisor(s)/manager(s)? b. Colleagues/team members/co-workers? c. Customers (internal and external)? d. General Public? 		
10. Does the position involve tasks that require access to materials or equipment that cannot be moved from the traditional worksite or accessed outside of the traditional worksite such as unique reference materials or special tools?		
11. Does the position involve tasks that require access to systems, networks, applications that cannot be accessed at the alternative worksite? (e.g., local access only, etc.)		
<ul style="list-style-type: none"> ➤ If the answer to <u>any</u> of the above questions (#9-11) is YES the position is typically not eligible for regular/recurring telework on a full-time basis, but may be eligible for regular/recurring telework on a limited basis, or situational/ad hoc telework, once employee eligibility is determined: <ul style="list-style-type: none"> 1) If the position includes recurring tasks and/or tasks that may be scheduled in advance and performed for at least a full day at an alternative worksite, the position is suitable for regular/recurring telework on a limited basis. 2) If the position does not include recurring tasks and/or tasks that may be scheduled in advance, the position is only eligible for situational/ad hoc telework. ➤ If the answer to <u>all</u> of the above questions (#9-11) is NO the position may be suitable for all categories of telework once employee eligibility is determined. 		

EMPLOYEE ELIGIBILITY CRITERIA*

Complete this section only after position eligibility has been determined.

QUESTIONS	YES	NO
1. Is the employee's performance currently rated below the fully successful level (e.g., TAPES Level 3)?		
2. Is there a memorandum of counseling, warning, or other record by the supervisor documenting deficiencies that cause the employee's overall performance to fall below fully successful, even if the current rating of record is fully successful or higher?		
3. Is there a record of formal disciplinary action within the previous 12 months for the employee?		
4. Is there a record of verbal conversation or written reprimand of behavioral or responsibility concerns (e.g., misuse of leave, excessive tardiness) within the past 12 months?		
5. Has the employee been "officially disciplined" for being absent without permission for more than 5 days in any calendar year?		
6. Has the employee been "officially disciplined" for violations of subpart G of the Standards of Ethical Conduct of Employees of the Executive Branch for reviewing, downloading, or exchanging pornography on a Federal Government computer or while performing official duties?		

- If the answer to all of the questions (#1-6) is **NO**, the employee is eligible to telework.
- If the answer to one or more of the questions (#1-6) is **YES**, the employee is typically not eligible to telework.

NOTE: The term "official discipline" (as used in questions 5 and 6 above) refers to a disciplinary action that results in the placement of a document in an employee's official personnel file (OPF). The bar on participation remains in effect as long as the document stays in the employee's OPF.

If the answer is YES to the following questions relative to employee characteristics, the employee is more likely to be suitable for telework.

QUESTIONS	YES	NO
1. Is the employee able to work independently with minimal supervision?		
2. Is the employee able to solve problems independently?		
3. Does the employee have sufficient skill in using the technologies required for telework (e.g., VPN, Outlook, Encryption software, telephone and voicemail, Defense Connect Online (DCO))?		
4. Does the employee have the ability to communicate, verbally and electronically, with supervisors, co-workers, and customers?		
5. Does the employee have a sufficient level of job knowledge and organizing and planning skills?		
6. Does the employee exhibit discipline toward work and reliability concerning work hours?		

Determination:

Position is eligible for regular/recurring telework on a full-time basis (everyday)

Yes _____ No _____

Position is eligible for regular/recurring telework on a limited basis (set schedule)

Yes _____ No _____

Position is eligible for situational/ad hoc telework

Yes _____ No _____

Employee is eligible for telework

Yes _____ No _____

If the position or employee is not telework eligible, please select all that apply as justification for the determination:

Not Telework Eligible – Position requires employee's presence to perform the job.	
Not Telework Eligible – Position requires daily face-to-face contact with supervisor, other employees, or customers/the public.	
Not Telework Eligible – Position requires access to material or special equipment.	
Not Telework Eligible – Position requires daily access to classified material.	
Not Telework Eligible – Duty performance or conduct.	
Not Telework Eligible – Employee is serving in a probationary period.	
Not Telework Eligible – Employee is a trainee or intern.	

Identify reason for denying telework based on employee ineligibility:

Additional information justifying position or employee telework ineligibility:
